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EXCLUDED FROM BGE

8 Attorneys for the United States

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA, ) No. CR 11-00472 RMW  
13 Plaintiff, ) STIPULATION AND []  
14 v. ) ORDER EXCLUDING TIME FROM  
15 KEVEN CHEN CHIEH YANG, ) SPEEDY TRIAL ACT CALCULATION  
16 Defendant. ) (18 U.S.C. § 3161(h)(7)(A))

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17 With the agreement of the parties in open court, and with the consent of defendant Keven  
18 Chen Chieh Yang, the Court enters this order documenting exclusion of time from March 5,  
19 2012, through April 9, 2012, under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1). The parties  
20 agree, and the Court finds and holds, as follows:

21 1. Defendant was indicted on July 13, 2011. On March 5, 2012, defendant made his  
22 first appearance before this Court.

23 2. At the appearance on March 5, 2012, the parties requested a continuance of the  
24 case until April 9, 2012, in order for defense counsel to continue to investigate the case.

25 3. Defendant agreed to an exclusion of time under the Speedy Trial Act and agreed  
26 that failure to grant the requested continuance would unreasonably deny defendant reasonable  
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time necessary for effective preparation, taking into account the exercise of due diligence, in this case. Based on these representations, the Court found that the ends of justice served by excluding the period from March 5, 2012, through April 9, 2012, from Speedy Trial Act calculations outweigh the best interest of the public and the defendant in a speedy trial.<sup>18</sup> U.S.C. § 3161(h)(7)(A) & (B)(iv).

6           4. Accordingly, and with the consent of the defendant at the appearance on March 5,  
7 2012, the Court ordered that the period from March 5, 2012, through April 9, 2012, be excluded  
8 from Speedy Trial Act calculations. *Id.*

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10 || IT IS SO STIPULATED.

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**12** || DATED: March 5, 2012

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\s\  
MICHAEL ARMSTRONG  
Attorney for Defendant

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\s\  
ALLISON MARSTON DANNER  
Assistant United States Attorney

18 IT IS SO ORDERED.

19  
20 DATED: HEC BFG

Ronald M. Whyte  
RONALD M. WHYTE  
United States Senior District Judge

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STA Stipulation

11-00472 RMW